

**LOWER PAXTON TOWNSHIP
PLANNING COMMISSION
June 21, 2006**

MEMBERS PRESENT

Fred Lighty
W. Roy Newsome, Jr.
Denise Guise
Ernest Gingrich
William Neff
Richard Beverly

ALSO PRESENT

Lori Wissler, Planning & Zoning Officer
Dianne Moran, Planning & Zoning Officer
Chip Millard, Dauphin County PC
James Strong, Mette, Evans & Woodside
Mark Levine, 1507 Knoll Crest
Sandra Prah, 1001 Homestead Avenue
Peter Gemora, 105 N. 38th Street
Charles Schmehl, Urban Research &
Development Corporation

Call to Order

Chairman Lighty called the Lower Paxton Township Special Planning Commission meeting to order at 7:03 p.m., at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Pledge of Allegiance

Mr. Gingrich led the members in the recitation of the Pledge of Allegiance to the Flag.

Introduction

Mr. Lighty explained that this was the date and time set for the public hearing for the adoption of the new zoning map and new zoning ordinance for Lower Paxton Township. He explained that the meeting was duly advertised, and is part of the 45-day process as required by the Municipalities Planning Code, which began on May 24, 2006 when the proposed zoning ordinance was filed with the Lower Paxton and Dauphin County Planning Commissions.

Mr. Lighty noted that the new zoning ordinance was first advertised on June 14, 2006 and again on June 21, 2006. He noted the Board of Supervisors would conduct a public hearing on July 11, 2006.

New Business

Review and Comment of Proposed Zoning Map and Zoning Ordinance

Mr. Schmehl distributed a summary of the new draft zoning ordinance. He noted that he would conduct the summary for the ordinance, and Ms. Wissler would point out the highlights of the new proposed map.

Mr. Schmehl noted that his summary contained information on the overview of zoning, an explanation of; permitted by right use, special exception use, and conditional uses. He noted that it further described what nonconformities are, and stated that the major goal for the zoning

process is to protect existing residential neighborhoods. He noted that zoning is used to protect from over congested development and road systems; preserve the creeks and Blue Mountain; promote business development in the right locations; preserve historic buildings; and enhance the Village of Linglestown.

Mr. Schmehl noted that certain items were resolved in the High Priority Amendment that was passed last year. He noted that some of those provisions were: protection of the Blue Mountain and other steeped sloped areas, provisions to promote village-type development in Linglestown, provisions addressing cluster residential development, and provisions to protect creek corridors.

Mr. Schmehl noted that one issue emphasized in the Comprehensive Plan and the Zoning Ordinance is the concept of Open Space Development (OSD). He noted that this was previously called cluster development. He noted that the concept is to place the homes on the most suitable portions of the site to gain more flexibility in the lot layout and sizes, with the requirement to do permanent preservation of a substantial part of the land in open space that serves a valuable purpose. He noted that it was originally proposed to be an option throughout the Township, but it would now require a rezoning to an overlay district. He noted that a developer would need to request that an open space development overlay be added to property.

Mr. Schmehl noted the new zoning districts for the Township as follows:

Conservation District (CO) in the Blue Mountain area. This does not permit building on steep slopes over 25%, and requires lot sizes to be 5 acres on moderate slopes of 15 to 25 %, and 2 acres on slopes of less than 15%. He noted that the OSD option would permit one acre lots with 60% open space.

Agricultural Residential (AR) includes the undeveloped land that has not been approved for development in the Township. He noted that it would require 1.5 acre lots, and the OSD option would permit ½ acre lots.

Low Density Residential District (R-1) would include most of the existing single family subdivisions which provides for ½ acre single family lots, with the OSD option allowing for a reduction in lot size to 10,000 square feet with 40% open space.

Medium Density Residential District (R-2) would include single family detached houses, twins and townhouses with a required ¼ acre lot size, with the OSD option allowing for reduction in the lot size to 5,000 square feet with 25% open space. He noted that townhouses could continue to be developed at an average of five homes per acre.

High Density Residential District (R-3) is the highest density district that includes the highest density housing in the Township, such as apartment complexes. He noted that the maximum density of 8 dwellings per acre would apply.

Residential Cluster (R-C) is used to grandfather in those projects that have been previously approved as cluster projects.

Age-Restricted Housing would permit a 15% density bonus of housing units in the development with the restriction that at least one person must be age 55 and older, with no residents under age 18.

Residential Retirement (R-R) would also carry over provisions from the current ordinance for projects that are already approved. He noted that this mainly applies to the Institutional District which would be applied to the existing denser retirement communities that are existing or under construction, which would allow 12 homes per acre.

Office Neighborhood (ON) replaces the current Transitional, Research Office and Neighborhood Professional Districts. He noted that this is used for offices and light businesses, and applies to small lots that are between commercial and residential areas.

Village (V) district was updated last year and included the area of Linglestown. He noted that it is geared to preserving the character to permit compatible development in the Village.

Commercial General (CG) district is currently the C-1 areas located in a highway orientated area that provides for the heavier commercial uses to include most of Rt. 22.

Neighborhood Commercial (CN) district is restricted to the lighter, less intense types of commercial uses; small areas that are closer to neighborhoods.

Light Industrial (LI) would not provide for the heaviest type of industries.

General Industrial (GI) would provide for the heaviest type of industries, which would become the catch-all to provide for trash transfer stations, asphalt plants, and the heavier uses.

Business Campus (BC) would provide for offices and research uses and is limited to 15% light commercial uses, such as restaurants, or retail usage.

Institutional (IN) would include hospitals, schools, retirement communities, and provides for a mix of medical uses, medical offices and age restricted developments, with the maximum height of 70 feet, in a location not next to a home.

Mr. Newsome requested Mr. Schmehl to expand on the relationship between the Comprehensive Plan and the Zoning Ordinance. Mr. Schmehl explained that the Comprehensive Plan set the overall policies for the development and preservation of the Township. He noted that it involved numerous public meetings, and discussed issues such as transportation, natural features, economics, existing land uses, utilities, and community services. As a result, land use recommendations were made and these were carried out through ordinance amendments. He noted that the plan is implemented through the revision of the zoning and subdivision and land development ordinances. He noted that the zoning ordinance had been advertised as a new zoning ordinance, and not an amendment.

Mr. Newsome noted that the Comprehensive Plan was reflected on a Land Use Map. He noted that the Zoning Ordinance also has its own map. Mr. Schmehl noted that the two maps must be generally consistent, and if they would not be, by State law, the Comprehensive Plan would need to be amended.

Mr. Neff noted that several other plans are required by the Pennsylvania Municipalities Planning Code. He questioned if the transportation circulation map and environmental maps were completed. Mr. Schmehl answered that they were.

Ms. Wissler noted that the residential clusters that are located on the current map would remain the same and that would include the McNaughton tract and Blue Meadow Farms. She noted that Linglestown Road was changed to BC except for the areas close to the intersection of Colonial Road that were changed to Commercial Neighborhood. In addition, the Village district was created to encompass the Village of Linglestown.

Ms. Wissler noted that the Township-owned parks will be zoned Institutional as well as the Residential Retirement areas located north of Linglestown Road at Oakhurst Boulevard, and the Jewish Nursing Home. She explained that the majority of the areas south of Linglestown Road would be zoned R-1 except the areas to the east which will be AR.

Ms. Wissler noted that the residential zones areas are R-1 and R-2 with the R-3 district encompassing the apartment complexes in the Township. She explained that R-1 includes single-family homes and R-2 would be areas that include townhomes.

Ms. Wissler noted that the Light Industrial district would be located on the eastern edge of the Township along Allentown Boulevard, and the General Industrial will be located off of Briarsdale Road.

Ms. Wissler noted that the proposed TND is shown as a crosshatched tract of land in the southeast quadrant.

Mr. Schmehl noted that the Planning Commission received a letter from Mr. James Strong of Mette, Evans and Woodside who represents Boyd & Mahoney of the Union Deposit Corporation, and he requested that the land off of Valley Road north of Ridgeview Road be zoned Commercial General, and not Business Campus (BC). He noted that the tract of land north of Valley Road abutting Interstates 81 & 83 was also requested to be changed to Commercial General. Mr. Schmehl noted that Commercial General allows all types of commercial development, where as the BC is limited to offices with 15% use as retail or restaurants for a building. Mr. Lighty noted that the Planning Commission did not want to see heavy commercial uses close to the homes on Ridgeview Road.

Mr. James Strong noted that he attended many of the meetings and he explained that the Susquehanna Market Place is located in the area off of Valley Road in Susquehanna Township, and it is zoned Commercial General. He noted that the land in question is very steep, but it has a flat level adjacent to Valley Road. He noted the second tract of land across the street on Valley Road is requested to be Commercial General as well. He requested that the property be treated in a similar fashion as Susquehanna Township has treated the Susquehanna Market Place. He noted that at the March 28th joint workshop meeting his clients were told that the two tracts would be zoned commercial. He noted that he wanted to voice his concerns for the record, noting that the next step in the process would be the Public Hearing conducted by the Board of Supervisors on July 11, 2006. He requested that his letter be made part of the record. Mr. Schmehl noted that his notes stated that the property north of Ridgeview should be zoned commercial. Mr. Lighty noted that this issue was raised at several joint workshop meetings. Mr. Schmehl noted that his notes are over a year old.

Mr. Newsome questioned how Mr. Strong was advised that the land would remain commercial. Mr. Strong answered that someone from the Board of Supervisors stated that the land would remain commercial. He noted that the advertised zoning map shows this area as BC. Mr. Neff remembered that the Board of Supervisors had some concerns regarding the adjacent six residential lots, and BC represented a transitional zone to the Commercial zoning. Mr. Strong noted that this might be true for the tract of land south of Valley Road, but the land north of Valley Road is a transition from the interstate that does not involved anything residential. Mr. Strong noted that the land south of Valley Road is bounded by I-83 and Commercial General to the west. He suggested that the residents of Ridgeview Road are so elevated that they would look over any possible development.

Mr. Schmehl questioned the depth from Ridgeview Road to Valley Road. Mr. Lighty answered that it is approximagley 600 feet. He suggested that two tiers of lots would be possible. He suggested there could be one use for the north side, and a different use for the south side.

Mr. Millard questioned if there would be an issue with the steep slope provisions, especially for the property south of Valley Road, and questioned how much of the land would be able to be developed. Mr. Strong answered that the land would need to be developed closer to Valley Road, with the access from Valley Road. Mr. Lighty noted that a tremendous amount of terracing occurred in Susquehanna Township to allow for the Susquehanna Market Place. Mr. Schmehl noted that a terrace can be a good buffer. Mr. Newsome noted that there are two drainage ways located on the property, between Valley Road and the Interstate. He noted that there are wetlands in that area too. Mr. Schmehl noted that the new zoning ordinance for steep slopes for non-residential areas is found in section 3-32, and it states that the lot has to have an average slope of less than 15% that is the slope of the buildings, parking and storage area and 20 feet around it has to has an average slope of less than 15% based upon existing slopes". He noted that you would not be allowed to re-grade a 25% slope to build a parking lot.

Mr. Neff noted that at the intersection of Linglestown and Colonial Roads, the mapping zones are very hard to distinguish between the different colors for the different zones. Mr. Lighty noted that Dauphin County Planning Commission has expressed the same concerns regarding the contrast of the colors. He explained that the colors are the product of the pallet produced by the GIS program and it could be manually re-colored. Mr. Guise noted that if this could be done without a lot of work that would be desirable. He noted that the CN and BC are very close in color. Mr. Lighty explained that Mr. Weisinger is looking into it.

Due to the number of comments from Mr. Millard, it was suggested to open the meeting to public comment at this time.

Public Comment

Mr. Mark Levine, 1507 Knollcrest Road, noted that the AR district could be divided into 1 ½-acre lots, with the R-1 district allowing for 12,000 square foot lots, which is roughly 1/4 acre. He questioned if there was zoning for anything in between to cover, for example ¾-acre lots. He noted that his lot is a ¾ acre lot and it is a nice manageable tract. He noted that there are many large tracts of land in the Township along Linglestown Road, and along the Interstate highway. He noted that there are many large trees in the Township, and generally speaking, people take care of their areas, and suggested that zoning should provide for 3/4-acre lots for the

larger bare tracts of land. Mr. Lighty questioned if Mr. Levine was suggesting that the R-1 zone require

¾-acre lots in place of ½-acre lots. Mr. Levine noted that he would like the R-1 zone to require ¾-acre lots.

Ms. Sandra Prah, 1001 Homestead Avenue, questioned for the Colonial Road and Earl Drive intersection, if the southeast corner was zoned for office use, and the northeast corner zoned R-2. Mr. Wissler answered that the land south of Earl Drive is Research Office, and north of Earl Drive is zoned R-2. Mr. Lighty noted that the land is proposed to be R-1. Mr. Guise noted that there was a proposal submitted for both lots, near Earl Drive, under the current zoning. Ms. Wissler noted that the land is proposed residential cluster.

Mr. Mark Levine explained that he is not suggesting that R-1 be changed to ¾-acre lots, but there should be a zoning designation, a separate one for tracts of land greater than 10 acres. He noted the ¾-acre requirement for smaller tracts of land would be impractical, but suggested that larger tracts should require this. Mr. Schmehl noted that current A-1 zoning had been a one-acre minimum lot size, and there was suggestion to push the open space option, but there needed to be a big difference in density for what a developer would receive under the open space option versus standard lot development. He noted the recommendation was to increase the lot size of the AR district to 1.5 acres, but with a goal that most people would not choose to do that. He noted that larger property owners in the AR district would be encouraged to ask for the open space development option. He noted that they would be permitted to use ½-acre lots, but control the density to an average of one-home-per-acre. He suggested that this would be the best of both worlds, and it would lower the amount of costs improvements for roads, infrastructure, etc.

Mr. Levine noted that many of the people have planted trees to enhance their properties. He noted that the Board loves non-developed land, but he thinks that this is taking the pride of ownership out of the individual owner to landscape the property as he would like to do. Mr. Lighty noted that .5 acre lots are the minimum requirement for the R-1 district. He noted that a developer would be free to develop a larger lot. Mr. Levine noted that a developer would prefer to build more homes because the profit margin would be greater, and the overdevelopment of the large tracts of land would not help to beautiful the Township.

Mr. James Strong noted that he had a concern that two text items that were made in the April version were not found in the advertised version. He noted that the Oakhurst Boulevard zoning was discussed at the April meeting, it was decided that the parcel that was proposed to be AR was going to be zoned Institutional. He noted that the land was originally proposed to be AR and the request was to rezone the land to R-2, and amend the text to permit residential retirement developments in the R-2. He noted that there was discussion at the last joint Planning Commission/Board of Supervisors meeting to zone the land Institutional (IN) since residential retirement was a permitted use in the IN. He explained that he expressed concerns regarding this in the letter addressed to the Board of Supervisors. He noted that what changed from the April meeting to the draft zoning map was the split in the property for the two districts with the northern tract zoned AR and the lower tract zoned IN. He noted that this is a concern since it is the property owner's desire to develop the land as a residential retirement development. He noted that as the slopes increase, there is a concern as to what would be able to be developed in terms of clustering. He noted that he desires the flexibility that a residential district would offer. He noted that he did not remember any discussion to split the property between AR and IN.

Mr. Newsome questioned if there were two distinct parcels. Mr. Strong noted that there are two parcels, but suggested that the zoning division does not follow the parcel line. Mr. Lighty answered that the split does follow the parcel line. Mr. Strong noted that the land north of the AR zoning is conservation land donated by Mr. Boyd with the idea that the residential retirement development would tie in with it. Mr. Lighty questioned Mr. Strong why it was a negative to have the upper land zoned AR. Mr. Strong answered that there would be considerable less flexibility with what could be done with the 1.5-acre lots with the density permitted in the residential retirement development. He noted that land north of Continental Drive would need to be developed on 1.5-acre lots. Mr. Guise noted that open space option would be available. Mr. Lighty suggested that the topography for the land would lend itself to some creative development. Mr. Gemora noted that there are some flat areas in the AR zone, along with pockets of steep slopes.

Mr. Strong explained that the properties connect with properties in Susquehanna Township, and the split zoning with two municipalities is a concern. Mr. Schmehl questioned what the zoning was for the property located in Susquehanna Township. Mr. Strong stated that it is zoned R-2, up to a certain point.

Mr. Newsome questioned if all six parcels are single ownership. Mr. Strong answered that there are.

Mr. Schmehl noted that, based upon a court case, regarding multiple county reviews, the Township is to provide explanatory materials to the County, and he suggested that the minutes should show that Mr. Millard was presented with a summary and a list of changes from the previous draft as explanatory materials to the draft ordinance. Mr. Lighty questioned Mr. Millard if Dauphin County has received all the explanatory materials. Mr. Millard answered that they have.

Dauphin County Comments provided by Mr. Chip Millard

Mr. Millard noted that he had prepared a fairly lengthy review of the first four chapters of the revised zoning ordinance text. He noted that he would review the remainder of the chapters prior to the Board of Supervisor's Public Hearing to be held July 11, 2006. He noted that he would send his completed comments to the members of the Planning Commission prior to the July 11, 2006 meeting. It was noted that Mr. Lighty would supply the members with the comments when he receives them. Mr. Millard presented the following comments:

Zoning Map Comments

1. Mr. Millard noted that the colors for the various zoning districts on the draft zoning map should be made more distinct from one another to avoid confusion regarding what land areas are in what zone.
2. Mr. Millard noted that the map appears to be generally consistent with the future land use map in the Township's comprehensive plan future land use map. Mr. Lighty noted that this is very important. Mr. Millard noted that the few changes seemed to make sense.
3. Mr. Millard noted that the zoning map has a large percentage in R-1, Low Density Residential, and he questioned if this was appropriate for such a large area of the

Township. He noted that the Tri-County Regional Planning Commission (TCRPC) developed a Regional Growth Management Plan (RGMP) in 2003 identifying areas based on infrastructure that are appropriate for development. He noted that some areas in the Township were classified as being outside the growth area that is not zoned as CO or AR. Mr. Millard questioned if it is appropriate to have the high level of R-1 zoning. He noted that the housing needs for the future development for the Township should be considered. He reported that the 2000 census projections for a 2015 build out estimated that 2,300 housing units would be needed. He questioned what would be appropriate for future development, and stated that there may be more R-1 than what is needed. He noted that the Township has a lot of infrastructure in place; therefore it does not make sense to have lower density development because it is not as cost affective. He noted that many developers noted that there is an aging population, and there is a need for smaller lots. He stated that this is addressed through the Open Space Option (OSO), and the Traditional Neighborhood Development (TND). He questioned if the Township had enough area to address this type of need. He suggested that some of the land should be changed from R-1 to AR to better conserve areas of the Township and put less pressure on utilities and road infrastructure that is already in place. He noted that an emphasis should be placed on a retirement type living for the over 65-year old population.

General Ordinance Comments

4. Mr. Millard questioned when the new zoning ordinance is adopted, what would happen to the existing Planning and Zoning Ordinance, particularly those pertaining to the Subdivision and Land Development regulations. Mr. Schmehl suggested that he would like to repeal the sections of the Planning and Zoning Code that deal with zoning, and rename the Planning and Zoning definition section to be the same as the Subdivision and Land Development Ordinance (SALDO) definitions. He noted that the Subdivision Ordinances as it stands together would continue in effect. Ms. Wissler noted that the SALDO is in the process of being revised. Mr. Millard noted that the definitions of terms in the two ordinances should be consistent.
5. Mr. Millard suggested that there should be a reference for the section numbers indicated at the top of the page. Mr. Lighty noted that a codification would happen once the new zoning ordinance is adopted and this would be taken care of at that time.
6. Mr. Millard noted that the different uses outlined in Section 306.B.1 are more specifically detailed in Sections 402 and 403, and suggested that there should be a better reference between the two sections to make it easier to find what you are looking for.
7. Mr. Millard noted sensitive natural features might have inconsistent regulations for the Traditional Neighborhood Development (TND), Residential Cluster, and Mobile/Manufactured Home Parks in terms of tract buildable area. He questioned what amount of flood plain must be set aside, wetland, steep slopes, etc. Mr. Lighty explained that some inconsistencies are by design. Mr. Schmehl noted that it would be nice to be consistent, but they do not have to be consistent.

Ordinance Regulations/Content Comments

8. Mr. Millard questioned if Section 105. B, “Uses Not Specifically Regulated”, is consistent with the regulations for the Pennsylvania Municipalities Planning Code (MPC). Mr. Schmehl noted that several court cases use this provision, and it was found to be okay.
9. Mr. Millard noted that it was hard to find a clear difference between Temporary Retail Sales shown in Section 103.G.3 and Garage Sales shown in Section 403.D.9. Mr. Schmehl explained that the intent is that a garage sale would be for one household, whereas the temporary retail sales would involve a business. Mr. Millard noted that a garage sale is an accessory use; where as, the temporary retail sales are a primary use on a lot.
10. Mr. Millard questioned if cable television lines should be classified as an essential service as per the definition of essential services or essential public utility services in Section 202 on page 2-9. He questioned if roadways should be included in this as well, or is it an assumption that it is. He noted that streetlights and traffic signals are included in the definitions for essential services. Mr. Schmehl noted that the roads could be included; and he suggested that any type of cable line should be included. Mr. Lighty questioned if it would be covered by the current definition.

Mr. Schmehl noted that there was a court case with Lower Windsor Township regarding changes made to the Zoning Ordinance that do not require a second review by the local County government, he noted that not only would the Township have to ask the County for a second review for changes, but the Township would need to wait another 45 days to adopt the Ordinance.

Mr. Schmehl questioned if the Township would want to make a number of changes and send it back to the Dauphin County Planning Commission for a second review or keep a list, adopt the ordinance, and then make the changes. Mr. Lighty noted that the Planning Commission has decided that it would make the changes after the new Zoning Ordinance is adopted, unless an issue was identified that was so egregious. Mr. Schmehl noted that he would keep a list of changes to be made after the new Zoning Ordinance is adopted.

Mr. Millard noted that most of the comments are not deal breaker comments. He noted that some should be more strongly considered, but the vast majority of the comments could provide for the Township to adopt the ordinance and make the changes later.

11. Mr. Millard suggested that there is a loophole with the definition of “related” or “relative” in Section 202, in page 2-19. He noted that it does not clearly define if first cousins are classified as relatives. Mr. Schmehl noted that the issue is how many persons are permitted to live in a household that are unrelated. He noted that it is usually four persons. Mr. Millard noted that aunts and uncles qualify, but the most distant cousins do not qualify. Mr. Schmehl noted that the intent is that first cousins are included. Mr. Millard suggested that should be mentioned.

Mr. Lighty questioned Mr. Schmehl if he was keeping a master list of all the concerns and changes. Mr. Guise suggested that first cousins would be included because the ordinance specifically excludes second, third and more distant cousins.

12. Mr. Millard noted that the purpose statement for the CO is a little different than the Comprehensive Plan. He noted that the zoning ordinance emphasizes low-density development, whereas, the Comprehensive Plan emphasizes conservation.
13. Mr. Millard noted that bus shelters are shown as being a special exception in the R-1 and R-3, but it is not shown as a permitted use in the R-1. He suggested that there could be bus stops in the R-1 District. Mr. Schmehl noted that it could occur on Locust Lane.
14. Mr. Millard noted that there should be more of a clarification between a family day care home and a group day care home. He noted that Section 301.B.1.e, shows family day care homes as allowed as a special exception use in the AR and R-2/R-C Districts, but group day care homes are not permitted in either district. Mr. Schmehl noted that the definitions used were Commonwealth definitions, and family day care allows up to six children, and group day care would entail seven or more children other than your own children. He noted that it could be clarified.
15. Mr. Millard noted that the Township should consider limiting residential development in the Neighborhood Commercial, similar to what is permitted in the Office Neighborhood District. He noted that the purpose statement for the NC District in Section 301.D.8 states that the goal is to provide for a lighter type of commercial uses that would be compatible with nearby homes. He noted that the commercial districts are now split between the GC and NC, and there may be some uses appropriate for the NC for some limited residential uses.
16. Mr. Millard noted that manufactured/mobile home parks should not be permitted at all in the CG District. He noted that this would be an example of a residential use in a high commercial area. Mr. Schmehl noted that it is always a problem to find a suitable location for mobile home parks, and he would be willing to consider a better idea. Mr. Guise noted that the recommendation from the County Planning Commission was fine, but, this was a major decision made by the Township joint committee. Mr. Schmehl noted that it is a conditional use in the R-3 District, but since there is limited undeveloped land in the R-3 district, this was done to protect the Township. Mr. Schmehl noted that there was a challenge to the Township several years ago, and since it was found that it was a permitted use in the Commercial District, the Township was able to receive a favorable decision.
17. Mr. Millard noted that he believes that inner-city bus stops should be a permitted use by right in the CN District. He noted that most intercity buses have stops in commercial areas, including small-scale commercial areas. He suggested that this point may be a moot point, primarily due to existing bus operations regulations, the Township's proximity to Harrisburg, and existing bus service by Capital Area Transit, (CAT).
18. Mr. Millard noted that commercial and industrial laundries are not permitted in the CN District and questioned if this would include dry cleaners. Mr. Schmehl noted that it could, but he was thinking more of an industrial laundry to clean sheets for hotels or

hospitals. Mr. Millard suggested that a distinction should be made between commercial and industrial laundries, and it should be redefined in the definition section. Mr. Millard noted that at Locust Lane and Rutherford Road, there is a dry cleaning facility, and it is shown as being CN. He noted that this would become a non-conforming use at that location.

19. Mr. Schmehl noted that he made the correction for limiting the size of retail stores and shopping centers to 50,000 square feet in all permitted districts. He noted that big box buildings over 50,000 square feet are permitted in the GC. He noted that footnote number one, on page 3-12, only limits the NC and the IN districts to 50,000 square feet of retail floor space per store. He noted that this does not apply to the CG zone.
20. Mr. Millard noted that the Township proposes to allow college/university – educational and support buildings in all non-residential districts including the IN, but proposes to allow dormitories that are accessory to a college, university, or primary or secondary school only as a special exception use in the CG District. He noted that the Township should consider allowing dormitories for school-related purposes as a permitted, conditional, or special exception in the IN District. Mr. Schmehl explained that this was intentional in that the dormitories are the cause for the numerous complaints. He noted that any college in the Township would be a branch campus. Mr. Millard stated that that is what he thought was the Township's intent, and he was fine with that.
21. Mr. Millard noted that warehousing and storage is proposed to be a permitted on-site accessory use in the CN, but depending on the kind of accessory storage, this may not be ideal. He suggested that the accessory use warehousing/storage be a conditional or special exception use in the CN District. He noted that there is a possibility that a large building could be used for storage as an accessory use, and it would be important for the Township to have some control over this in a CN District. Mr. Schmehl suggested that storage is a necessity for many businesses. Mr. Millard suggested that it should be a special exception or conditional use. Mr. Schmehl noted that he would not want the storage to get so big that it would probably not be an accessory use.
22. Mr. Millard noted that it may be a good idea to break out off-site, principal use parking area into two categories; parking structures/garages and surface parking lots. He suggested that a surface parking lot could have a negative impact on a Village district. He suggested that you would not want a large parking lot in the Village district, which may distract from the Village itself. Mr. Schmehl noted that it could be made a special exception, but since the Township has control over demolition in the Village district there would not be massive demolition of older buildings to create a parking lot unless the Supervisors approve it.
23. Mr. Millard noted that the ordinance proposes to allow the non-intensive raising of livestock or poultry as a permitted use in the BC District. Mr. Schmehl noted that there are some farm lands that are currently zoned Business Campus, and in an agricultural area you are required to allow routine livestock operations.
24. Mr. Millard noted that windmills are a permitted use in the Village district and he suggested that this should be a conditional use or special exception. He noted that there might be an impact of allowing windmills in the Villagedistrict. Mr. Schmehl noted that

this particular provision deals with one windmill on the property. He noted that the height of the total windmill has to be more than the height from the lot line to prevent the windmill from falling on someone's home. He noted that there is a state policy to encourage wind generation, and one windmill might add to the Village character.

25. Mr. Millard noted that regulation 310.B on page 3-32 prohibits the regrading of natural slopes over 15%, and this may be too restrictive. Mr. Schmehl noted that the intent is that someone cannot regrade the property and then come in a week later and state that it is no longer a steep slope. He noted that it was not the goal to say that you could not regrade a 15% slope, but if regraded, it would remain a 15% slope.

Mr. Millard noted that this is the most important issue in regards to revising the draft ordinance. Mr. Schmehl noted that the MPC states if there is vagueness in a way a provision could be interpreted; it would be interpreted in the favor of the property owner. He noted that the intent is not to have people totally avoid the slope regulations to regrade.

26. Mr. Millard noted that in the proposed regulations for Opens Space Development (OSD) overlay option, the only residential use allowed is single-family detached housing, and he suggested that other housing be permitted. He suggested that if the Township would be willing to accept townhouses, there would be more use of the OSD. He noted that the Township should encourage developers to use these regulations rather than the standard zoning district regulations in the applicable areas, especially in the R-1 and AR Districts that have public utilities.
27. Mr. Millard noted that the Yield Plan unit calculation for the OSD overlay option should be rounded to the next lowest whole number. Mr. Schmehl noted that if the number were not rounded to the nearest whole number there would be no incentive to use it.
28. Mr. Millard noted that the OSD lot size regulations should be consistent with the regulations shown in Section 307.A, which deals with general development areas that are not in open space. He noted that the CO district has a two-acre lot minimum using conventional development, and a one-acre lot minimum with a 60% open space requirement using the OSD option. He noted that it could be interpreted as allowing fewer units using the OSD option than the conventional development option. Mr. Schmehl suggested that most of the CO district has steep slopes, which are more restrictively regulated, and by allowing the one-acre lots, it would allow the developer to move off the slopes and avoid those regulations, allowing for an incentive.
29. Mr. Millard noted that the Township should find other areas for potential locations for TND, and create the overlays now. He noted that the way it is currently written, it is an overlay. Mr. Lighty noted that this was done for one area, and there are a few other areas that are being considered.
30. Mr. Millard noted that a golf course would take up a large amount of area as a permitted use in a TND and in the Village District. Mr. Schmehl suggested that this may be something that extends from one district to another, noting that the entire golf course would not be located in the Village. Mr. Lighty questioned if one of the required

recreational uses would be a putting green. Mr. Schmehl answered that that was correct but it would not be defined as a golf course.

31. Mr. Millard noted that there is a maximum building impervious coverage of 40% for the TND, but it does not mention a maximum lot impervious coverage. Mr. Schmehl noted that the difficulties with the TND are that you have very intense development on part of the tract, and with townhouse or condo properties, a strict building or impervious building coverage becomes a problem. Mr. Millard questioned if an overall impervious regulation could be created. Mr. Schmehl noted that an overall requirement could be established.
32. Mr. Millard noted that Section 318.F.6.c should state, “See Section 318.B.5, Building Setbacks”.
33. Mr. Millard suggested that in Section 320, all references to A-1 and P-1 Districts should be changed to the AR and CO Districts. Mr. Schmehl noted that it had to remain because the densities in the Residential Cluster in the current book are based upon the densities of the previous district and some of those lands were rezoned five years ago. He noted that he did not want to interfere with the development plans that are already in process so whatever the zoning was before they were rezoned, that is what the density is based upon. Mr. Millard questioned if it would be preferable to have sections in the new ordinance that include the old A-1 and P-1 so that it is not a confusing situation or if it is a moot point since it would only be needed for a short period of time. Mr. Schmehl answered that he hopes that the agreed densities are stated on the approved plans, and then that decision would be grandfathered into the new book.
34. Mr. Millard noted that there are certain zoning requirements that PENNDOT Bureau of Aviation has set and this should be referenced in Section 402.A.4. Mr. Schmehl noted that those regulations mainly deal with towers, etc.
35. Mr. Millard noted that it was unclear if the auto service station front yard setbacks refer to the canopy or gas pumps. Mr. Schmehl noted that it is for the canopy, the ideal that there would be a smaller setback than normal allowing the canopy to come out further.
36. Mr. Millard noted that he is unsure of the permitted heights for commercial communications antennae and towers outlined in section 402.A.16 on pages 4-6 through 4-8. He questioned if they were high enough in the low-density developments. He noted that if you have a tower, it would be more likely to be on the Blue Mountain. Mr. Schmehl noted on page 4-7, it would be 150-foot height restriction on the Blue Mountain which is more restrictive, but then it goes on to say “unless the applicant proves to the Supervisors that the conditional use is needed because a taller height is absolutely necessary and unavoidable.” He noted that a broadcast tower, radio tower, or TV tower is much higher, but the owner would be able to show the need. Mr. Schmehl noted that at 200 feet, a tower requires a blinking light.
37. Mr. Millard noted that classifications for junkyards in Section 402.A.26 on pages 4-10 and 4-11 may not be clear enough for the definition for junkyards found on pages 2-12 and 2-13.

38. Mr. Millard noted that it was unclear how treatment of animals would be different than the standards used for a veterinarian office or animal hospital in that it states that animals undergoing treatment may be kept as an accessory use. He questioned if this would be needed. Mr. Schmehl noted that the goal was that a veterinarian office could not become a boarding kennel. Mr. Millard suggested that an animal hospital would cover an animal staying over night for treatment.
39. Mr. Millard suggested that there should be coordination with the Capital Area Transit (CAT) for bus shelters, and it should be added as a provision to the requirements that bus shelters are permitted as an accessory use. Mr. Schmehl noted that the new provision only allows bus shelters at a stop of a regularly scheduled public bus route, and CAT would need to approve it. Mr. Millard noted that CAT does not have much control over the design of bus shelters from what he was told. Mr. Schmehl noted that there is one standard design, and the advertising pays for the shelter.
40. Mr. Millard noted that the sign display time regulations for a garage sale are 24 hours before and 24 hours after a sale. He suggested that this is very restrictive and suggested permitting a two or three day allowance before the sale.

Mr. Newsome questioned Mr. Millard if there were any comments that would require an amendment to the new draft zoning ordinance. Mr. Millard answered that for what he has reviewed to this point, he would say no. He noted that he still needs to review the rest of the ordinance, and would review the 40 comments and remove the minor comments and potentially add a couple of comments. He noted that with the exception of the steep slope issue, most of the comments could be fixed after the ordinance is adopted.

Mr. Guise noted that there were many good comments made by Mr. Millard. He noted that people need to put their garage sale notices up more than 24 hours before the sale. He noted that many of the corrections could be made later.

Mr. Neff noted that Mr. Millard mentioned putting the section number on the top page, and he suggested leaving more space at the bottom of the page for future amendments. Mr. Schmehl noted that the copy would have the adoption date on it, so when the page is revised, the header could be revised. Mr. Millard noted that West Hanover Township has the pages in the plastic ring binders, and a change could be inserted into the ordinance without distributing the flow of the ordinance.

Mr. Neff suggested using a different font type such as Universal. He noted that the current type style would lose clarity when photocopied. Mr. Lighty noted that it would be available digitally. He noted that he prefers Times New Roman to read. Mr. Guise suggested that there might be a need for a larger font. Mr. Lighty noted that the date for amendments would be inserted at the bottom of each section. Mr. Guise noted that this would not be necessary for the initial adoption.

Mr. Gingrich noted that the Table of Contents needs to be updated. Mr. Schmehl noted that that would be done. He noted that maps show CH for Commercial Highway. Mr. Schmehl noted that the new map now shows CG for Commercial General.

Mr. Guise made a motion to recommend approval of the zoning map and the zoning text as submitted to the Planning Commission with the minor typographical corrections discussed, and further recommended, at an appropriate time, after adoption of the zoning amendment, that the error and omissions and suggested map changes discussed at this meeting be considered by the Planning Commission and the Board of Supervisors to make a comprehensive amendment at an appropriate time in the future.

Mr. Newsome seconded the motion. Mr. Schmehl wanted to clarify that he would only make editorial changes at this time. Mr. Guise noted that only editorial/typographical changes would be made at this time.

Mr. Neff thanked Mr. Schmehl, Mr. Millard and staff for all their hard work in making a difficult process much easier. Mr. Schmehl noted that he enjoyed working with the Township on this process. Mr. Guise noted that he agreed with Mr. Neff's comments.

Mr. Lighty called for a voice vote, and a unanimous vote followed.

Mr. Neff noted that he was recently at the Pennsylvania State Association for Township Supervisors and they provided the Planning Commission with the Spring and Winter 2006 Township Planner. He noted that the Township belongs to the organization and would have access to the model ordinances and libraries that they provide. Mr. Lighty noted that Mr. Stine has access to that information. Mr. Neff questioned if he would be able to have access to this. Mr. Lighty suggested that he discuss this with Township staff.

There being no further business, the meeting adjourned at 8:52 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary